

interested persons may intervene pursuant to § 3001.20 within 28 days after the filing of a formal request made under the provisions of this subpart. Parties may withdraw from the register or a particular case by filing a notice with the Commission.

(c) When the Postal Service files a request under the provisions of this subpart, it shall on that same day effect service by hand delivery of the complete filing to each person registered pursuant to paragraph (b) of this section who maintains an address for service within the Washington metropolitan area and serve the complete filing by Express Mail service on all other registrants. Each registrant is responsible for insuring that his or her address remains current.

(d) When the Postal Service files a request under the provisions of this subpart, it shall on that same day send by Express Mail service to all participants in the most recent omnibus rate case a notice which briefly describes its proposal. Such notice shall indicate on its first page that it is a notice of a Request for Establishment of a Provisional Service to be considered under this subpart, and identify the last day for filing a notice of intervention with the Commission.

(e) Within 5 days after receipt of a Postal Service request under the provisions of this subpart, the Commission shall issue a notice of proceeding and provide for intervention by interested parties pursuant to § 3001.20. In the event that a party wishes to dispute a genuine issue of material fact to be resolved in the consideration of the Postal Service's request, that party shall file with the Commission a request for a hearing within the time allowed in the notice of proceeding. The request for a hearing shall state with specificity the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position. The Commission will hold hearings on a Postal Service request made pursuant to this subpart when it determines that there is a genuine issue of material fact to be resolved, and that a hearing is needed to resolve that issue.

#### **§ 3001.174 Rule for decision.**

The Commission will issue a decision in accordance with the policies of the Postal Reorganization Act recommending either in favor of or against the Postal Service's proposed provisional service of limited duration.

The purpose of this subpart is to allow for consideration of proposed provisional services within 90 days, consistent with the procedural due process rights of interested persons.

#### **§ 3001.175 Data collection and reporting requirements.**

In any case in which the Commission has issued a recommended decision in favor of a provisional service of limited duration requested by the Postal Service, and the Board of Governors has put the provisional service recommended by the Commission into effect, the Postal Service shall collect and report data pertaining to the provisional service during the period in which it is in effect in accordance with the periodic reporting requirements specified in § 3001.102. If the Postal Service's regular data reporting systems are not revised to include the provisional service during the period of its effectiveness, the Postal Service shall perform, and provide to the Commission on a schedule corresponding to § 3001.102 reports, special studies to provide equivalent information to the extent reasonably practicable.

#### **§ 3001.176 Continuation or termination of provisional service.**

At any time during the period in which a provisional service recommended by the Commission and implemented by the Board of Governors is in effect, the Postal Service may submit a formal request that the provisional service be terminated, or that it be established, either as originally recommended by the Commission or in modified form, as a permanent mail classification. Following the conclusion of the period in which the provisional service was effective, the Postal Service may submit a request to establish the service as a mail classification under any applicable subpart of the Commission's rules.

5. Subpart K is added to read as follows:

#### **Subpart K—Rules for Use of Multi-Year Test Periods**

Sec.

3001.181 Use of multi-year test period for proposed new services.

3001.182 Filing of formal request and prepared direct evidence.

#### **Subpart K—Rules for Use of Multi-Year Test Periods**

#### **§ 3001.181 Use of multi-year test period for proposed new services.**

The rules in this subpart apply to Postal Service requests pursuant to

section 3623 for the establishment of a new postal service, with attendant rates, which in the estimation of the Postal Service cannot generate sufficient volumes and revenues to recover all costs associated with the new service in the first full fiscal year of its operation. In administering these rules, it shall be the Commission's policy to adopt tests periods of up to 5 fiscal years for the purpose of determining breakeven for newly introduced postal services where the Postal Service has presented convincing substantial evidence in support of the test period proposed.

#### **§ 3001.182 Filing of formal request and prepared direct evidence.**

In filing a request for establishment of a new postal service pursuant to section 3623, the Postal Service may request that its proposal be considered for a test period of longer duration than the test period prescribed in § 3001.54(f)(2). Each such request shall be supported by the following information:

(a) The testimony of a witness on behalf of the Postal Service, who shall provide:

(1) A complete definition of the multi-year test period requested for the proposed new service;

(2) A detailed explanation of the Postal Service's preference of a multi-year test period, including the bases of the Service's determination that the test period prescribed in § 3001.54(f)(2) would be inappropriate; and

(3) A complete description of the Postal Service's plan for achieving an appropriate contribution to institutional costs from the new service by the end of the requested test period.

(b) Complete documentary support for, and detail underlying, the test period requested by the Postal Service, including:

(1) Estimated costs, revenues, and volumes of the proposed new service for the entire requested test period;

(2) Return on Investment projections and all other financial analyses prepared in connection with determining the cost and revenue impact of the proposed new service; and

(3) Any other analyses prepared by the Postal Service that bear on the overall effects of introducing the proposed new service during the requested test period.

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BILLING CODE 7710-FW-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH70-1-6780b; AD-FRL-5302-7]

#### Approval and Promulgation of Implementation Plans; Ohio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The USEPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Ohio for lead. USEPA further proposes to conclude that this revision resolves the prior inadequacy in limiting lead concentrations in central Cleveland. In the Final Rules section of this Federal Register, USEPA is fully approving the State's SIP revision as a direct final rule without prior proposal, because the USEPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to these actions, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received on or before November 27, 1995.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6067.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule published in the rules section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 13, 1995.

David A. Ullrich,

*Acting Regional Administrator.*

[FR Doc. 95-26655 Filed 10-26-95; 8:45 am]

BILLING CODE 6560-50-P

### 40 CFR Part 70

[AD-FRL-5319-9]

#### Clean Air Act Proposed Disapproval or in the Alternative, Proposed Interim Approval Operating Permits Program; State of Idaho

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed disapproval or in the alternative, proposed interim approval

**SUMMARY:** EPA proposes alternative actions on the operating permits program submitted by the Idaho Department of Health and Welfare, Division of Environmental Quality, for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA proposes disapproval of the Idaho program based on existing deficiencies in Idaho's excess emissions and administrative amendments regulations. The State has advised EPA, however, that it intends to adopt and submit to EPA revised regulations that address these deficiencies before EPA takes final action on this proposal. Therefore, EPA proposes in the alternative that, if these deficiencies are addressed to EPA's satisfaction before EPA takes final action on this proposal, the Idaho program be granted interim approval. **DATES:** Comments on this proposed action must be received in writing by November 27, 1995.

**ADDRESSES:** Comments must be submitted to Elizabeth Waddell at the address indicated. Copies of the State's submittal and other supporting information used in developing this action are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington. **FOR FURTHER INFORMATION CONTACT:** Elizabeth Waddell, 1200 Sixth Avenue, AT-082, Seattle, WA 98101, (206) 553-4303.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Purpose

###### A. Background

As required under title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), EPA has promulgated rules

which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

##### B. Federal Oversight and Sanctions

EPA must apply sanctions to a State for which 18 months have passed since EPA disapproved the program. In addition, discretionary sanctions may be applied any time during the 18 month period following the date required for program submittal or program revision. If the State has no approved program 2 years after the date required for submission of the program, EPA will impose additional sanctions, where applicable, and EPA must promulgate, administer, and enforce a Federal permits program for the State. EPA has the authority to collect reasonable fees from the permittees to cover the costs of administering the program.

#### II. Proposed Action and Implications

##### A. Analysis of State Submission

###### 1. Support Materials

On November 15, 1993, the Idaho Department of Health and Welfare, Division of Environmental Quality (referred to herein as "IDEQ," "the Department," "Idaho" or "the State"), submitted a title V program for EPA review. EPA notified the State in writing on January 13, 1994, that the submittal was incomplete and advised the State of the changes needed for EPA to find the submittal complete. On January 20, 1995, Idaho resubmitted the State's title V program and requested approval of